

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: WELDON STUTZMAN
DEPUTY ATTORNEY GENERAL

DATE: MAY 27, 2009

SUBJECT: CASE NO. INP-R-09-01
IDAHO NORTHERN & PACIFIC RAILROAD'S OBJECTION TO
ASSESSMENT OF IPUC FEE

On May 22, 2009, Idaho Northern & Pacific Railroad (INPR) filed an objection to the Commission's 2009 annual assessment fee for the Company. The assessment includes the 2008 assessment that was unpaid, along with interest of \$479.84 on the 2008 unpaid assessment. In its letter of objection, INPR explains that it did not pay the 2008 assessment because it was waiting for an invoice. Due to this misunderstanding, INPR asserts it was unaware that the 2008 fee was unpaid and now requests that the interest component on the 2008 assessment be removed. INPR states that it has paid the 2008 and the 2009 assessment.

Idaho Code § 61-1007 identifies the procedure for an objection to an IPUC fee assessment. The statute requires that the Commission, "after ten (10) days' notice in writing to the objector, shall proceed to hold a hearing upon such objections within twenty (20) days after the date of such notice." The Commission is required to issue an Order within 20 days after the hearing.

Staff recommends that the Commission issue a notice to INPR and schedule a hearing to hear the objection raised by the Company. The notice should identify a hearing date between 10 and 20 days from the date of the notice.

COMMISSION DECISION

Should the Commission issue a 10-day notice to INPR, and schedule a hearing within 20 days after the date of such notice?

A handwritten signature in black ink, appearing to read 'W. B. Stutzman', written over a horizontal line.

Weldon B. Stutzman
Deputy Attorney General

bls/M:INP-R-09-01_ws